REMARKS

The provisional election to prosecute claims 1-11 and 18-23, which were identified by the Examiner as Group I claims, is hereby affirmed. Claims 2-17 stand withdrawn.

ARGUMENTS

Claims 5-11 and 18-20 stand rejected as indefinite. Claims 5, 18 and 23 have been amended herein to address the Examiner's position.

Claims 1-11 and 18-23 have been rejected as obvious based on European Patent No. 0498249 (Anderson), U.S. Pat. No. 5,658,420 (Rossini) and European Patent No. 0023788 (Wallace). Claim 1 requires that a label include ***first and second webs*** of heat shrinkable material, a splice member adapted to overlap terminal end portions of the webs ***arranged in an abutting relationship*** and an adhesive coating on a surface of the splice member for securing the splice member to the webs. Claim 1 requires that the ***splice member is comprised of heat shrinkable material.***

Anderson discloses a process for producing shrink films for labeling that utilizes polypropylene film. Anderson states that a flexographic press for printing label webs includes an unwind section having "a flying splice mechanism that allows for automatic splicing of the new roll to the expiring roll going through the press." (Page 8, lines 4-5). Anderson does not describe the construction of splice members that are applied by the flying splice mechanism.

Rossini discloses an apparatus for applying a length of adhesive tape to the leading edge of a roll of web material 16 to form a flying splice in a continuous operation between the trailing edge of an old roll of material and the leading edge of a new roll. Rossini discloses that the adhesive tape could be applied to nearly any substantially flat surface. (Col, 5, line 10). Rossini describes the use of paper rolls spliced together by adhesive tape for continuous printing of newspapers. (Col. 1, lines 15-67). Rossini does not suggest or disclose that heat shrinkable materials be used, either for the splice member or the substrate web material.

Wallace discloses a closure member (21) comprising a sheet of heat-shrinkable polyethylene for enclosing a pipe (12). As shown in Figure 4, the sheet is wrapped around the pipe such that edge portions (23, 25) of the sheet overlap each other. An adhesive patch member

(13) is then placed over the line formed by the exposed edge portion 23. (Page 12, line 23- page 13, line 3). Regarding the construction of the patch member (13), Wallace teaches that "it is generally preferred that it should not be heat-shrinkable" (Page 5, lines 17-18) and that the resulting dimensional change of the patch member is "preferably substantially zero." (Page 6, lines 3-8).

As acknowledged by the Examiner, the combination of Anderson and Rossini fails to disclose or suggest that the heat shrinkable webs of Anderson be secured in the claimed manner by a splice member comprising heat shrinkable material. The Examiner asserts erroneously that Wallace teaches heat shrinkable webs adhered together. (Page 5 of office action) As discussed above, Wallace does not disclose first and second webs adhered together and, instead, teaches a closure sheet.

Furthermore, the exposed edge portion of the closure member of Wallace, on which the patch member is received, is not arranged in abutting relationship with the opposite edge of the sheet and, instead, overlaps it. Contrary to the position taken by the Examiner, one skilled in the art considering the flying splice devices of Anderson and Rossini, which are used for joining the trailing end of a first web to the leading end of a second web in a continuous operation, would not be motivated to resort to pipe closure sheet taught be Wallace.

Also, the teaching of Wallace regarding the construction of the patch member does not support the position taken by the Examiner. The Examiner asserts erroneously that Wallace teaches the "desirability of providing for an adhesive tape which is heat shrinkable as the splice member in Anderson." (Page 5 of office action). On the contrary, Wallace actually teaches away by teaching, as discussed above, that the patch member should not be heat shrinkable and that the patch member experiences substantially zero dimensional change.

For the foregoing reasons, Anderson, Rossini and Wallace fail to provide the necessary teaching of claim 1. The necessary teaching of claim 1, lacking in the cited references, is only impermissibly supplied by hindsight use of applicants' disclosure. Claim 1 is, therefore, not rendered obvious by Anderson, Rossini and/or Wallace.

Claims 2-4 depend from claim 1. Without reference to their individual merits, for the same reasons as claim 1, claims 2-4 are not obvious in view of Anderson, Rossini and Wallace.

Claim 5 requires that a label include ***at least two heat shrinkable webs*** each having a leading end and a trailing end and ***at least one heat shrinkable splice tape adhered to portions of the webs adjacent the leading and trailing ends*** thereof to extend across the majority of a width defined by the webs. Claim 5 also requires that ***each of the webs and the splice tape are bi-directionally shrinkable*** having a shrinkage percentage in each of orthogonally oriented directions defined by it. Claim 5 further requires that the shrinkage percentages are selected such that ***the bi-directional shrinkage of the continuous web substantially matches the bi-directional shrinkage for the splice tape.***

Again, the combination of Anderson and Rossini fails to disclose or suggest that the heat shrinkable webs of Anderson be secured in the claimed manner by a splice tape comprising heat shrinkable material. Also, for the same reasons as claim 1 above, the missing teaching of heat shrinkable splice tapes for splicing separate heat shrinkable webs together is not suggested by Wallace, which teaches a closure sheet wrapped around a pipe such that an exposed edge portion overlaps the opposite end portion and which teaches away from the invention of claim 5 by teaching that the patch member placed over the exposed edge portion is not heat shrinkable and experiences substantially zero dimensional change.

The combination of Anderson, Rossini and Wallace also fails to suggest or disclose that each of the heat shrinkable webs and the at least one heat shrinkable splice tapes is bi-directionally heat shrinkable having shrinkage percentages selected such that the bi-directional shrinkage of the webs substantially matches the bi-directional shrinkage of the adhered splice.

For the foregoing reasons, Anderson, Rossini and Wallace fail to provide the necessary teaching of claim 5. The necessary teaching of claim 5, lacking in the cited references, is only impermissibly supplied by hindsight use of applicants' disclosure. Claim 5 is, therefore, not rendered obvious in view of Anderson, Rossini and Wallace.

Each of claims 6-11 depends from claim 5. Without reference to their individual merits, for the same reasons as claim 5, claims 6-11 are not rendered obvious by Anderson, Rossini and/or Wallace.

Claim 18 requires that a label for a container include ***first and second heat shrinkable web segments*** each defining opposite first and second edges and arranged such that ***the second end edge of the first web segment is juxtaposed to and aligned with the first end edge of the second web segment.*** Claim 18 further requires ***a splice tape including a heat shrinkable portion and an adhesive coating*** overlapping portions of the aligned web segments.

Again, the combination of Anderson and Rossini fails to disclose or suggest that the heat shrinkable webs of Anderson be secured in the claimed manner by a splice tape comprising heat shrinkable material. Also, for the same reasons as claim 1 above, the missing teaching of heat shrinkable splice tapes for splicing aligned edge portions of separate heat shrinkable webs segments is not suggested by Wallace. Wallace teaches a closure sheet wrapped around a pipe to form overlapping pipe end portions. Wallace teaches away from the invention of claim 18 by teaching that the patch member placed onto the wrapped closure sheet is not heat shrinkable and experiences substantially zero dimensional change.

For the foregoing reasons, Anderson, Rossini and Wallace fail to provide the necessary teaching of claim 18. The necessary teaching of claim 18, lacking in the cited references, is only impermissibly supplied by hindsight use of applicants' disclosure. Claim 18 is, therefore, not rendered obvious in view of Anderson, Rossini and Wallace.

Claims 19 and 20 depend from claim 18. Therefore, without reference to their individual merits, for the same reasons as claim 18, claims 19 and 20 are not rendered obvious by Anderson, Rossini and/or Wallace.

Claim 21 requires that a heat shrinkable label include ***first and second webs having terminal end portions arranged in an abutting relationship*** and ***a heat shrinkable splice tape*** secured to the terminal end portions of the abutting webs by adhesive.

Again, the combination of Anderson and Rossini fails to disclose or suggest that the webs of Anderson be secured in the claimed manner by a splice tape comprising heat shrinkable material. Also, for the same reasons as claim 1 above, the missing teaching of heat shrinkable splice tapes for splicing abutting terminal end portions of webs is not suggested by Wallace. Again, Wallace teaches a closure sheet wrapped around a pipe to form overlapping end portions and teaches away from the invention of claim 21 by teaching that the patch member

placed onto the wrapped closure sheet is not heat shrinkable and experiences substantially zero dimensional change.

For the foregoing reasons, Anderson, Rossini and Wallace fail to provide the necessary structures of claim 21. The necessary teaching of claim 21, lacking in the cited references, is only impermissibly supplied by hindsight use of applicants' disclosure. Claim 21 is, therefore, not rendered obvious by Anderson, Rossini and/or Wallace.

Claim 22 requires that a heat shrinkable label include ***at least two webs*** each including a heat shrinkable laminate and having leading and trailing end portions. The label of claim 22 further includes ***a heat shrinkable splice tape and an adhesive coating*** on a surface of the splice tape. The adhesive coating secures the splice tape to the leading end portion of one web and to the trailing end portion of another web to form a continuous web.

Again, the combination of Anderson and Rossini fails to disclose or suggest that the heat shrinkable webs of Anderson be secured in the claimed manner by a splice tape comprising heat shrinkable material. Also, for the same reasons as claim 1 above, the missing teaching of heat shrinkable splice tapes for splicing leading and trailing end portions of heat shrinkable webs is not suggested by Wallace. Wallace merely shows a closure sheet wrapped around a pipe to form overlapping end portions. Wallace, again, teaches away from the invention of claim 22 by including a patch member placed onto the wrapped closure sheet that is not heat shrinkable and experiences substantially zero dimensional change.

For the foregoing reasons, Anderson, Rossini and Wallace fail to provide the necessary teaching of claim 22. The necessary structures of claim 22, lacking in the cited references, is only impermissibly supplied by hindsight use of applicants' disclosure. Claim 22 is, therefore, not rendered obvious by Anderson, Rossini and/or Wallace.

Claim 23 depends from claim 22 and, therefore, is not obvious from Anderson, Rossini and/or Wallace for the same reasons as claim 22. Claim 23 further requires that ***the webs and the splice tape have bi-directional shrinkage percentages selected such that the bi-directional shrinkage of the webs substantially matches the bi-directional shrinkage of the splice tape***. These claimed features are also not suggested or disclosed by these references.

As discussed above for claim 5, the combination of Anderson, Rossini and Wallace fails to suggest or disclose that each of the heat shrinkable webs and the at least one heat shrinkable splice tapes is bi-directionally heat shrinkable having shrinkage percentages selected such that the bi-directional shrinkage of the webs substantially matches the bi-directional shrinkage of each adhered splice tape. For this additional reason, in addition those for claim 22, Anderson, Rossini and Wallace fail to provide the necessary teaching of claim 23. Claim 23 is not rendered obvious based on Anderson, Rossini and/or Wallace.

It is respectfully requested that the rejection of claims 1-11 and 18-23 based on Anderson, Rossini and Wallace be withdrawn.

The application is in condition for allowance. An early notice of allowance is respectfully solicited. If the Examiner believes however, that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

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